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THE HONOURABLE MR. JUSTICE K.C.BHANU

WRIT PETITION NO.20875 OF 2005

DATED:23rd September, 2005

Between:

Avantika Mandhani

..... PETITIONER

AND

Union of India, rep.by the Regional Passport Officer,

Ministry of External Affairs, 8-2-215 to 219,

Kummarguda, Beside Prashant Theatre, Secunderabad.

.....RESPONDENT

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THE HONOURABLE MR. JUSTICE K.C.BHANU

WRIT PETITION NO.20875 OF 2005

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ORDER:

Petitioner, who obtained a Passport bearing No.A-6216501 from the respondent, which was issued on 02-09-1998 valid till 01-09-2008, filed the present writ petition complaining that her actual date of birth as per the Certificate issued by the competent authority in Form No.IX as per the Registration of Births and Deaths Act, 1969, is 05-09-1994, but by mistake it was recorded as 05-09-1993. When the petitioner approached the respondent authorities for correction of her date of birth in the passport, the respondent refused to do so.

However, pursuant to the judgment of the High Court judicature of Bombay in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular, dated 18-04-2001, which reads as under:

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate cold also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

In view of the same, the petitioner is permitted to file an application, if not already filed, before the respondent, for correction of her date of birth as 23-05-1983. On such application being filed, the respondent is hereby directed to consider and dispose of the same in accordance with law.

The writ petition is accordingly disposed of. No costs.

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23rd September, 2005

SKM